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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/828,891 | 04/21/2004 | Mirko Marinoni | 43410-0417 | 5861 |
| 21611 | 7590 | 01/26/2005 | EXAMINER | |
| SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230 | | | GREEN, CHRISTY MARIE | |
| | | ART UNIT | PAPER NUMBER | 3635 |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/828,891 | MARINONI, MIRKO | |
| | Examiner | Art Unit | |
| | Christy M Green | 3635 | |

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 and 7 is/are rejected.
- 7) Claim(s) 5 and 6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/14/04</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |
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Continuation of Attachment(s) 6. Other: Exhibit A: attached figures (1).

DETAILED ACTION

This is a first office action for serial number 10/828891, entitled Mounting Structure, filed on April 21, 2004.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 5 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Marinoni of U.S. Patent No. 6,745,538.

Claims 1-3, 5 and 6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of Marinoni of U.S. Patent No. 6,745,538. Although the conflicting claims are not identical, they are not patentably distinct from each other because each claims a mounting structure which is arranged on two abutting glass panels comprising two pairs of clamping plates with plates of one of the pairs being fixed to opposite sides of one of the glass panels, the inner sides of the clamping plates abutting the corresponding sides of the glass panels,

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the clamping plates each have, at the outer sides thereof, undercut longitudinal slots with undercut shoulders, a connecting plate, locking screws which are through the connecting plate to clamp the connecting plate against the inner sides of the undercut shoulders of the respective undercut slot in the clamping plate; the clamping plates abut each other in an angle and the connecting plate has an angle; the connecting plate has two recesses which are formed in a leg protruding from the undercut longitudinal slot of the associated clamping plate, into which recesses two undercut shoulders of the longitudinal slot of the other clamping plate engage or are received.

Claim Objections

Claims 1, 2 and 6 are objected to because of the following informalities: it appears that there is no punctuation at the end of these claims, if this is supposed to be the end of the claims, than proper punctuation needs to be added. The examiner interprets the claims to end in a period and that no other limitations are intended to be added. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward, US Patent # 5,048,243 in view of Perry, US patent # #6,415,462.

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Ward discloses the claimed invention a mounting structure (60) which is arranged on two abutting panels (64), so that the panels are connected with each other (column 4, lines 9-11), the mounting structure comprising: clamping plates (at 72), with the clamping plates being fixed to opposite side of one of said panels (figure 4), and with the inner sides of the clamping plates (attached figure 5) abutting the corresponding sides of the panels (64), wherein the clamping plates (72) at the outer sides thereof, undercut longitudinal slots with a bottom (see attached figure 4) and undercut shoulders (87), and a connecting plate (68) located in the mutually aligned longitudinal slots of two of the clamping plates (figure 4) and fixed to the clamping plates (72) by locking screws (70) which are threaded through the connecting plate (at 82) and abut against the bottom of the mutually aligned longitudinal slots (attached figure 4) to clamp the connecting plate against the inner sides of the undercut shoulders (attached figure 5) of the respective undercut slot in the clamping plates (72); the connecting plate (68) to be located at any position along the longitudinal slot (via 76); the clamping plates (104 – figure 7) are in an angle (interpreted to be at 90 degrees) therebetween, and wherein the connecting plate (106) has a corresponding angle (at 108); the clamping plates being provided with mounting inserts (94).

Ward discloses the claimed invention as stated above except for two pairs of clamping plates on each side of the structural panel abutting against each other with aligned longitudinal slots and the panels are glass. In regards to the pair of clamping plates, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pair of clamping plates on each side of the structural

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panels with aligned longitudinal slots, in order to help keep the panels and other structural members, in their proper positions relative to one another to further help prevent a structural collapse (column 2, lines 11-14). Although Ward's reference has only one integral clamping plate attaching two separate structural panels together, and that within the invention the clamping plates are attached at the breaking point of the structural panels and appear to be only connected by the connecting plate and fastener alone; it seems as if Ward's invention provides a much more stable connection for the structural panels all together. Also, it would have been obvious to one having ordinary skill in the art to provide a second, third and fourth clamping plate on the other side of the panel of the Ward reference, since a duplication of the plates would aid in further stabilizing the panels when placed together.

In regards to the panels being of glass material, Perry teaches that it is known in the art to provide glass panels (100) with a hole (106), a clamping plate (110), a fastener (70), and a mounting insert (122). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the panels of glass as taught by Perry with the clamping plates of Ward in order to provide more transparency and the solid look and feel of thicker glass (column 1, lines 29-33).

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cl
Cg

November 13, 2004



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

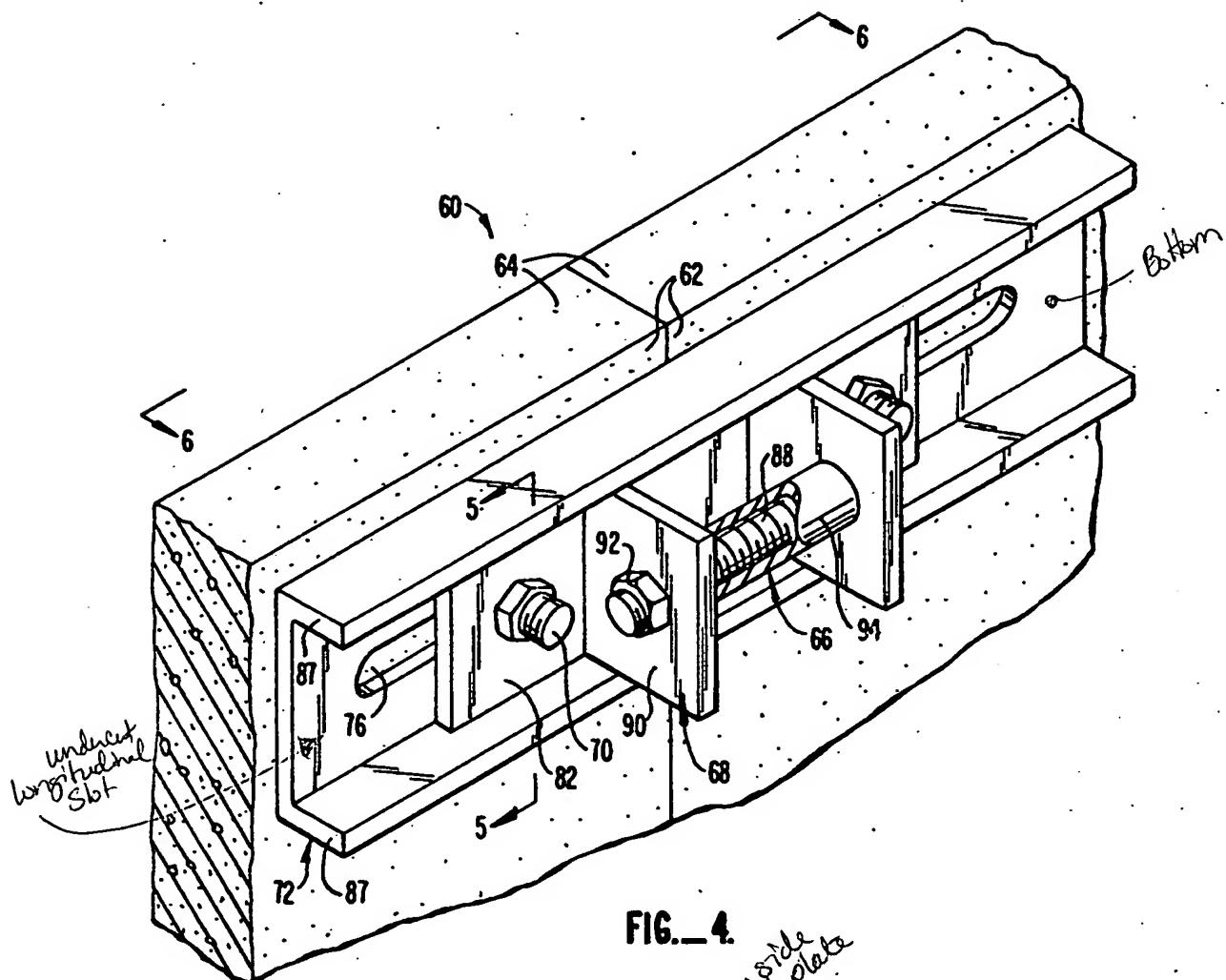


FIG. 4.

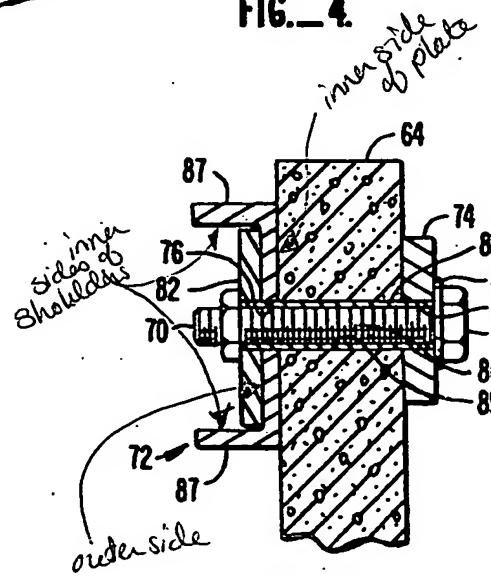


FIG. 5.